

# HOUSE JOURNAL

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SEVENTY-EIGHTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SEVENTEENTH DAY — THURSDAY, FEBRUARY 13, 2003

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 22).

Present — Mr. Speaker; Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Rangel; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Absent — Eiland; Jones, E.

The invocation was offered by Pastor David Henry, St. Peter's Lutheran Church, Marble Falls, as follows:

Almighty God, you have given and daily preserve our lives. You have given us the rich heritage of freedom and democracy we enjoy in our nation. You have given us the unique blessings of living in the State of Texas. We give you thanks for these gifts as we begin this day of deliberation on behalf of our people.

We pray your blessing on all who hold office in our land and who must make difficult decisions in challenging times. We ask your blessing today especially on those who govern from this house. We pray that they may do their work in a spirit of wisdom, kindness, and justice. Help them use their authority to serve faithfully and to promote the general welfare of all.

Where this body is amiss, reform it. Where this body is right, strengthen it. Where it is in need, provide for it. Where it is divided, reunite it.

We pray confidently, rejoicing in your goodness, your faithfulness, and your mercy, for you are God forever. Amen.

(E. Jones now present)

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Martinez Fischer who presented Dr. David Schneider of San Antonio as the "Doctor for the Day."

The house welcomed Dr. Schneider and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

### **HR 217 - ADOPTED (by Noriega)**

Representative Noriega moved to suspend all necessary rules to take up and consider at this time **HR 217**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 217**, Honoring Sylvia Ramos of Houston for her contributions to higher education in the Lone Star State.

**HR 217** was adopted without objection.

### **HR 182 - ADOPTED (by Rodriguez)**

Representative Rodriguez moved to suspend all necessary rules to take up and consider at this time **HR 182**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 182**, In memory of Manuel G. Aguallo of Austin.

**HR 182** was read and was unanimously adopted by a rising vote.

### **HR 156 - ADOPTED (by Rose)**

Representative Rose moved to suspend all necessary rules to take up and consider at this time **HR 156**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 156**, Congratulating the cheerleaders of Southwest Texas State University on winning the Universal Cheerleading Association's College Cheerleading National Championship.

(Edwards in the chair)

**HR 156** was read and was adopted without objection.

### MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

### INTRODUCTION OF GUESTS

The chair recognized Representative Driver who introduced a delegation of elected officials and businesspeople from Russia.

(Eiland now present)

(Driver in the chair)

### HR 116 - ADOPTED

(by Casteel)

Representative Casteel moved to suspend all necessary rules to take up and consider at this time **HR 116**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 116**, Honoring Matthew Hammonds of New Braunfels for achieving the rank of Eagle Scout.

**HR 116** was adopted without objection.

### HR 210 - ADOPTED

(by Casteel and Swinford)

Representative Casteel moved to suspend all necessary rules to take up and consider at this time **HR 210**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 210**, Honoring Gladys Carroll Knight of Dumas on her 100th birthday.

**HR 210** was adopted without objection.

On motion of Representative Swinford, the names of all the members of the house were added to **HR 210** as signers thereof.

### HR 202 - ADOPTED

(by Quintanilla)

Representative Quintanilla moved to suspend all necessary rules to take up and consider at this time **HR 202**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 202**, Honoring Dr. Tony Marquez of El Paso on his receipt of a 2002 Healthcare Provider of the Year award.

**HR 202** was adopted without objection.

**HR 203 - ADOPTED**  
**(by Quintanilla)**

Representative Quintanilla moved to suspend all necessary rules to take up and consider at this time **HR 203**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 203**, Honoring Amanda Amial of Las Vegas, Nevada, for her interest in the Texas Capitol.

**HR 203** was adopted without objection.

**HR 224 - ADOPTED**  
**(by Quintanilla)**

Representative Quintanilla moved to suspend all necessary rules to take up and consider at this time **HR 224**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 224**, Commending the citizens of El Paso who attended the opening day of the 78th Legislative Session at the State Capitol.

**HR 224** was adopted without objection.

**HR 227 - ADOPTED**  
**(by Farrar)**

Representative Farrar moved to suspend all necessary rules to take up and consider at this time **HR 227**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 227**, Congratulating Frank and Alice Moreno on their 40th wedding anniversary.

**HR 227** was read and was adopted without objection.

On motion of Representative Noriega, the names of all the members of the house were added to **HR 227** as signers thereof.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING  
AND REFERRAL TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Calendars, upon adjournment today, speakers committee room, 2W.6, for a formal meeting.

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of important business in the district:

Isett on motion of Crownover.

**BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 7).

**BILLS AND JOINT RESOLUTIONS ON FIRST READING  
AND REFERRAL TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 2.)

**ADJOURNMENT**

Representative Bonnen moved that the house adjourn until 2 p.m. Monday, February 17 in memory of Jace Andrew Bevers of Angleton, son of Jeff and Missy Bevers.

The motion prevailed without objection.

The house accordingly, at 10:47 a.m., adjourned until 2 p.m. Monday, February 17.

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**ADDENDUM**

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**REFERRED TO COMMITTEES**

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

**List No. 1**

**HB 3** (By Nixon), Relating to health care.  
To Civil Practices.

**HB 6** (By Allen, Pitts, Lewis, Capelo, and Nixon), Relating to the regulation and enforcement of the practice of medicine by the Texas State Board of Medical Examiners.

To Public Health.

**List No. 2**

**HJR 3** (By Nixon), Proposing a constitutional amendment authorizing the legislature to determine limits for noneconomic damages in medical or health care liability claims and other claims.

To Civil Practices.

**SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

**House List No. 7****HCR 38****MESSAGE FROM THE SENATE**

The following message from the senate was today received by the house:

**Message No. 1****MESSAGE FROM THE SENATE****SENATE CHAMBER**

Austin, Texas

Thursday, February 13, 2003

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

**THE SENATE HAS PASSED THE FOLLOWING MEASURES:****HCR 41**

Dutton

SPONSOR: Ellis, Rodney

Honoring Elvin Bethea of the Houston Oilers on his induction into the National Football League Hall of Fame in 2003.

**HCR 46**

Craddick

SPONSOR: Ogden

Welcoming members of the Sheriffs' Association of Texas to the State Capitol.

Respectfully,

Patsy Spaw

Secretary of the Senate

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**February 12**

Insurance - **SB 310**

**ENROLLED**

**February 12 - HCR 39**

**SENT TO THE GOVERNOR**

**February 12 - HCR 39**

